

When Money Means More Than Public Safety... The Implications of “Cassidy’s Calamity Judgment”...

IMPLICATIONS OF "CASSIDY'S CALAMITY JUDGMENT" - A PUBLIC OUTRAGE!!!

A "TRIAL" is defined by the American Heritage Dictionary as: "Trial - n. 1. examination of evidence and applicable law to determine the issue of specified charges or claims. 2. The act or process of testing or trying", etc." (Source: American Heritage Dictionary, Fourth Edition, Houghton Mifflin Co., N.Y.2001), . BLACK'S LAW DICTIONARY defines a trial as: "The examination before a competent tribunal, according to the law of the land, of the facts or law put in issue in a cause, for the purpose of determining such issue. A trial is the judicial examination of the issues between the parties, whether they be issues of law or of fact." (Source: Black's Law Dictionary Online, <http://www.thelawdictionary.org/trial>). We were supposed to have a 5-day trial. Instead, in my opinion, we were given a "1 hour kangaroo court"!!!

1. Judges can determine award amounts for each defendant and "who is at fault and/or liable" and/or "legal issues" without hearing the case and claims made by plaintiffs – even in matters of negligence and public safety. How is that possible given there were several defendants in our case? Deputy Judge Cassidy did not state what percentage of blame went to the BCIN designer and what percentage went to the truss sales rep but both (in this case the same person having 2 legal entities, 1) **Marc Levasseur** and 2) **MGL Drafting and Consulting**) were found to have to pay the judgment. How did the deputy judge determine “how liable” each was since not a single argument was heard? THIS WAS NOT A TRIAL - IT WAS A PUBLIC OUTRAGE AND VIOLATION OF DUE PROCESS OF LAW!!!

2. Given these are 2 legal entities, this would have tax implications (I used to work for Revenue Canada and **there would be 2 tax returns involved here – one personal and one business** – and even judges are NOT allowed to “mix the two legal entities” according to the tax code – **each legal entity MUST have its OWN tax return AND AN ACCURATE STATEMENT OF INCOME AND EXPENSES AND A LEGAL JUDGMENT WOULD BE "AN EXPENSE" INCURRED!** – EVEN AL CAPONE HAD TO GIVE AN ACCURATE TAX RETURN... and in the end... taxes - not his "other crimes" - were how he was sent to jail!. **How can the judge find 2 LEGAL ENTITIES liable and not allocate a percentage to each legal entity without hearing the case!** How much of the judgment goes against Marc Levasseur’s personal taxes and how much goes against his business taxes? There is NO answer to that question given the “single lump sum judgment” - and on that alone - there are serious issues. There is NO WAY the Canada Revenue Agency would allow a precedent of "inaccurate tax returns" even if the "funds" and/or "expenses" were tied to a deputy judge's "judgment"!

3. **Engineer’s seal is worthless!!!** – even if the engineer holds **“Chief Engineer” title in a major, multi-billion, multi-national corporation (Alpine Systems – Div of IL Tool Works) and is a TECHNICAL person for Truss Plate Institute of Canada** – he was still allowed to give us the wrong truss – making our walls/roof subject to collapse – and WALK away from ANY and ALL liability WITHOUT A SINGLE COMMENT OR QUESTION ALLOWED AT TRIAL in matters of negligence... A 5-DAY TRIAL – DECIDED BLINDLY WITHIN 1 HOUR BY A DEPUTY JUDGE WHO COULD NOT HAVE POSSIBLY UNDERSTOOD THE ISSUES GIVEN HER JUDGMENT AND ITS IMPLICATIONS IN MATTERS OF PUBLIC SAFETY!!! – and hence my reason for referring to this judgment as “Cassidy’s Calamity”! **Not only is the engineer's seal worthless, since the engineer is NOT held liable for the work he sealed, and since "he walks", there is no discipline done by the Professional Engineers of Ontario and/or the court and no indication of a problem on the PUBLIC INFORMATION website for Professional Engineers of Ontario to WARN/ADVISE the PUBLIC of a potential PROBLEM with the engineer in issues such as negligence! This also allows the engineer to keep on working as an engineer - as though there had never been an issue pertaining to his work - in matters of public safety - and when that engineer is in a position of tremendous influence - as our engineer clearly was as Chief Engineer for**

All information is Submitted Without Prejudice and to expose issues of public safety that must be addressed. The Constitution guarantees Freedom of Conscience and my conscience cannot be clear until these issues are brought to light to help ensure public safety and the addressing of critical issues in what is in my opinion a very broken construction industry enforcement system as well as, in my opinion, a very broken justice system. This document reflects my opinions, formed as a result of the facts and/or events and/or responses and/or experiences I personally witnessed and/or was subjected to in these public safety issues and matters of conscience!!!

When Money Means More Than Public Safety... The Implications of “Cassidy’s Calamity Judgment”...

Alpine Systems and a TECHNICAL engineer and voting/executive member for the Truss Plate Institute of Canada - the implications are simply huge! In my opinion, this makes the PUBLIC INFORMATION database maintained by the Professional Engineers of Ontario a FRAUD with the court, in my opinion, a party to that fraud as negligence claims against engineers are dismissed without even being heard!

4. **Non-engineers** whose names, etc. do NOT appear on sealed truss component drawings (i.e., BCIN designers, truss manufacturers, etc.), **are held liable for specifications sealed and/or reviewed by an engineer who is NOT held liable!** This is a public outrage!

5. Not only are **non-engineers** (i.e., truss manufacturers – guys in a lumber yard who are NOT engineers) held liable - they are held **PERSONALLY liable** for drawings sealed by an engineer and the engineer is NOT held liable AT ALL. **This is a public outrage!**

6. **Municipalities are now 100% liable for determining truss suitability and truss placement since the engineer’s seal means nothing! Municipalities are 100% liable in the determination of truss suitability and truss placement. In our case, 11-8697, since we did not have occupancy issued by the City of Greater Sudbury, the permit was still considered “opened” and as such, judges tend to rule that “issues can still be worked out if the permit is still considered open”. That may be true in our case – and the reason for which the municipality was NOT sued in this civil case. That would, however, NOT be true of pretty well all other homes with this problem – the HUNDREDS to which Levasseur admitted – all framed the same way – all with occupancy – making the MUNICIPALITY 100% RESPONSIBLE for major structural defects.**

7. **Building inspectors, plan reviewers, managers of code compliance, etc. will all have to be engineers and/or “really beef up their qualifications”** in order to determine truss suitability (i.e., have an understanding of Von Mises Stress and be able to calculate it - See **A Dangerous and Costly Provision**) for a municipality since the blame for “suitability” and “placement” and any other issues will fall TOTALLY on municipalities for both residential and commercial structures.

8. Dangerous and costly provisions in the building codes are allowed to continue - unchecked - as municipalities and/or their building officials (i.e., building inspectors) **WRONGLY** assume they have "carte blanche" in matters pertaining to structural integrity - and that is **ABSOLUTELY NOT TRUE** according to the law and the building code provisions pertaining to the **"misrepresentation of qualifications"** in the Ontario Building Code Act, **Section 15.11(7), Prohibition, Building Code Act, 2006, p. 20**. This same type of provision is surely found in other building codes! For more on this, see "Dangerous And Costly Provisions"!

9. **The Professional Engineers Of Ontario do NOT distinguish between the seal of an engineer used on residential drawings and that same engineer’s seal on commercial drawings and as such, the seal for an engineer – be it on residential or commercial drawings is WORTHLESS - making the implications of "Cassidy's Calamity" A COMPLETE AND TOTAL PUBLIC OUTRAGE!**

All information is Submitted Without Prejudice and to expose issues of public safety that must be addressed. The Constitution guarantees Freedom of Conscience and my conscience cannot be clear until these issues are brought to light to help ensure public safety and the addressing of critical issues in what is in my opinion a very broken construction industry enforcement system as well as, in my opinion, a very broken justice system. This document reflects my opinions, formed as a result of the facts and/or events and/or responses and/or experiences I personally witnessed and/or was subjected to in these public safety issues and matters of conscience!!!

When Money Means More Than Public Safety... The Implications of “Cassidy’s Calamity Judgment”...

10. **Robert Woods - The "Elliot Lake" engineer is also involved in our case - only in our case, the "bad engineer" of Elliot Lake is actually one of two good engineering firms (the other being that of Rowsell & Associates, the firm of the man (now deceased) who was the mayor of Sault Ste Marie, Ontario when our nightmare started).** Deputy Judge Cassidy's decision, if the engineer's seal is worthless, and only monetary damages matter gives Robert Woods and ANY engineer being sued or at the center of a disaster - "carte blanche" and the perfect defense since the SEAL MEANS NOTHING even in matters of negligence... only monetary damages matter according to Deputy Judge Cassidy's "judgment"! May 3, 2012, Robert Woods – engineer involved in Elliot Lake fiasco, provided his seal on a report saying the mall in Elliot Lake was sound. This same engineer is one of five engineers/engineering firms involved in our case. Gus Vertolli (Chief Engineer for Alpine Systems and TECHNICAL person for the Truss Plate Institute of Canada) put his seal on my truss drawings in June of 2008. Thus, Vertolli’s seal... now found to be WORTHLESS is OLDER than that of Robert Woods... and if Vertolli’s seal is said to mean “nothing”... why should that also not be true of the seal of Robert Woods and so, why should Robert Woods - or any engineer - be held liable in anything pertaining to Elliot Lake if the engineer’s seal – on either residential or commercial – given the PEO makes no distinction - means nothing per this decision by Deputy Judge Cassidy. If Vertolli gets to “walk” in matters of negligence... why would the same not be true of Woods? Of course, this would be absurd!!! **What justification can Deputy Judge Cassidy give for NOT finding the engineer Gus Vertolli liable in our case but finding a truss sales rep - a non-engineer - not only liable but PERSONALLY liable?**

11. **Money is the only thing that matters in law.** If the defendants (or their silent partners such as Alpine Systems who was paying legal fees for their Chief Engineer Gus Vertolli and who paid \$10,000.00 of the settlement) pay damages, there is no need to hear the case! Money speaks louder than justice and public safety in negligence claims against engineers! **“Justice” goes to the highest bidder and cases don’t even need to be heard – even in matters of public safety!**

12. **Issues that should be heard (i.e., dangerous provisions and/or misinterpretations of provisions in building codes, who is liable for accuracy of truss placement guide, what access level should truss sales rep have to truss engineering software if they are not engineers, etc.) and precedents that should be set are not allowed because judgments are FORCED onto plaintiffs without the issues ever surfacing – encouraging a system of fraud as no one is held accountable and engineers and/or others just “walk” and/or are not brought to justice for the roles they may play in such fiascos!**

13. **Judges can decide judgments without hearing the issues. A "Trial" really ISN'T a TRIAL... and due process of law rights are violated by the courts themselves as negligence claims are dismissed without being heard!**

14. **HURRAY... THE BUILDERS ARE NOT HELD LIABLE AT ALL!!!** In our case – not only were we the plaintiffs... we were also the builders! Taron probably won't like the implications of this "judgment" though... but... even without hearing the case... a precedent was set nonetheless in this matter!!! :o)

All information is Submitted Without Prejudice and to expose issues of public safety that must be addressed. The Constitution guarantees Freedom of Conscience and my conscience cannot be clear until these issues are brought to light to help ensure public safety and the addressing of critical issues in what is in my opinion a very broken construction industry enforcement system as well as, in my opinion, a very broken justice system. This document reflects my opinions, formed as a result of the facts and/or events and/or responses and/or experiences I personally witnessed and/or was subjected to in these public safety issues and matters of conscience!!!

When Money Means More Than Public Safety... The Implications of "Cassidy's Calamity Judgment"...

15. Given Tarion knew of problems in the truss industry since they were cc:ed on the PEO 2007 warning letter and given this judgment, the implications for builders are GREAT... FOR TARION... THEY ARE DEVASTATING as Tarion can be held completely liable for these same structural problems if it can be shown "They Knew... But Did Nothing To Stop It!" And NOT EVEN ONE QUESTION OR COMMENT HAD TO BE HEARD IN ORDER FOR DEPUTY JUDGE CASSIDY TO MAKE THIS VERY IMPORTANT RULING because EVERYTHING was in the favor of the PLAINTIFFS and NOTHING was in favor of the defense in matters of negligence - other than, in my opinion, their big bucks and/or big titles and/or friends and/or politicians in and/or overseeing enforcement bodies that chose to remain blind to the issues!

16. Because not even one question and/or comment was allowed... there is NO PUBLIC RECORD... for the setting of precedents and/or to prevent the same thing from happening again - in the future - as now - it most surely will - since engineers are allowed to "walk" and, in my opinion, the true issues are not addressed - AT ALL - NOT BY A LONG SHOT and no one needs to inform the public in matters of public safety when walls and/or roofs can be subject to collapse due to problems with truss suitability and/or truss design issues!!!

17. The Professional Engineers of Ontario (PEO) need not discipline anyone... seals don't matter even in negligence claims as the courts refuse to hear them... so... let us disband the PEO and prevent it from obtaining even \$1.00 of taxpayer funds for what is in my opinion, given the facts of our case, most likely a most inaccurate database anyway!!!

18. We will continue to allow engineers to provide misleading reports since we have laws that tie their hands in matters of exposing the truth. For example - The Engineering Act makes it such that an engineer must "act in good faith" toward other engineers. So... if another engineer has no "complaints" against him, etc., would an engineer not be risking being accused of a violation of the Engineering Code Of Ethics (Part of the Engineering Act) if that engineer "spoke badly" of another engineer in matters of that other engineer's "roles and responsibilities" in an engineering report such as the one provided to us? Why was NOTHING said of the roles/responsibilities of Chief Engineer for Alpine, Gus Vertolli in the engineering report provided to us by Rowswell and Associates? Did the Engineering Act "tie their hands" in these matters, thus explaining, in my opinion, why NOTHING was said as far as the "work done" and/or "omissions by" and/or "liabilities" of the engineer in our case, Chief Engineer for Alpine Systems Gus Vertolli, by Rowswell and Associates, the engineering firm that told us "what was wrong with our house and roof" and why "the fixes" provided to us by the municipality were "not acceptable"! Engineers we had paid to provide us with an engineering report - really - when you looked at the law - could risk, in our opinion, being sued themselves by other engineers and in our opinion, that led to the providing of what I now considered a misleading report in matters pertaining to the role and responsibilities of the engineer who sealed our truss package (Gus Vertolli of Alpine Systems). Such laws, in my opinion, encourage FRAUD! These are issues and/or provisions we were not allowed to bring to light because not a single question and/or comment was allowed in a negligence case where only dollars mattered! In matters of public safety - this is again - A PUBLIC OUTRAGE!!!

All information is Submitted Without Prejudice and to expose issues of public safety that must be addressed. The Constitution guarantees Freedom of Conscience and my conscience cannot be clear until these issues are brought to light to help ensure public safety and the addressing of critical issues in what is in my opinion a very broken construction industry enforcement system as well as, in my opinion, a very broken justice system. This document reflects my opinions, formed as a result of the facts and/or events and/or responses and/or experiences I personally witnessed and/or was subjected to in these public safety issues and matters of conscience!!!

When Money Means More Than Public Safety... The Implications of “Cassidy’s Calamity Judgment”...

19. If you don’t enforce the OBC Act and Engineering Act – you have none – and that will make life a whole lot easier for EVERYONE and we will save a whole lot of tax dollars too... we didn't even need to have "the Elliot Lake inquiry - we could have saved 15 MILLION right there for taxpayers!

20. The system encourages bank, insurance and securities fraud – which would happen each and every time one of the structures with major structural defects [as in our case] are sold and mortgages are written on them given the structures are seriously over-valued due to the major structural defects and NO ONE IS SAID TO HAVE THE LEGAL RESPONSIBILITY TO INFORM NOT ONLY THE CONSUMER BUT THE BANKS AND INSURANCE PROVIDERS IN SPITE OF THE FACT THAT - AS IN OUR CASE - THE MUNICIPALITY KNEW EXACTLY WHICH HOUSES HAD BEEN DESIGNED BY BCIN DESIGNER MARC LEVASSEUR SINCE THEY HAD HIS BCIN NUMBER ON FILE (at least since 2006) - AND THAT IS A WHOLE LOT OF PROPERTIES BOUGHT AND SOLD - AND OVER-VALUED ON MORTGAGES AND INSURANCE POLICIES - MAKING THE MUNICIPALITY A PARTY TO FRAUD EACH AND EVERY TIME THESE PROPERTIES CHANGED HANDS! Municipalities that allow structures to go up with major structural defects or allow those homes to be sold, KNOWING THEY HAVE MAJOR STRUCTURAL DEFECTS – become a party to mortgage, insurance and securities fraud each and every time one of these structures is sold and a mortgage is taken out.

21. Justice is not about preventing fraud.... It is about preventing insurance loss... and there is a BIG difference! By acting as a party to “judgments” in matters of major structural defects and hidden industry-wide problems (as clearly evidenced by the facts of our case – had they been heard) – are courts/judges/attorneys not a party to fraud themselves by NOT allowing the disclosure and documentation of the issues in a public, legal forum and by not forcing the disclosing the issues to the banks, insurers, securities dealers and homeowners (present and future)?

22. Root problems (i.e., negligence, product liability issues in software packages, misinterpretation of provisions in the law by building officials, etc.) are hidden and allowed to fester as engineers, large corporations and/or enforcement bodies are not held accountable – even in matters of negligence and/or public safety (i.e., structural integrity issues, walls/roofs subject to collapse).

23. Rather than addressing the issues via trial, enforcement bodies and judges can just ‘close their eyes’ to matters of negligence in public safety issues and fraud issues and hope they will “just go away”... FAT CHANCE!!! This inundates the entire legal system as the same issues are not addressed but rather are allowed to resurface over and over and over and over – a complete waste of taxpayer dollars and a complete breach of fiduciary duties and public trust by judges and/or laws that place monetary compensation above examination of the laws and/or the facts in negligence cases which are not even heard!

24. Professional Engineers of Ontario – IF THEY REMAIN SILENT IN THESE MATTERS PERTAINING TO "CASSIDY'S CALAMITY" AND "THE JUDGMENT" – by law – are in full agreement with this judgment and what can only be called a complete public outrage - BECAUSE IN LAW - SILENCE IS CONSENT! Note that "the judgment" in no way forced the negligence issues to be addressed by the Professional Engineers of Ontario

All information is Submitted Without Prejudice and to expose issues of public safety that must be addressed. The Constitution guarantees Freedom of Conscience and my conscience cannot be clear until these issues are brought to light to help ensure public safety and the addressing of critical issues in what is in my opinion a very broken construction industry enforcement system as well as, in my opinion, a very broken justice system. This document reflects my opinions, formed as a result of the facts and/or events and/or responses and/or experiences I personally witnessed and/or was subjected to in these public safety issues and matters of conscience!!!

When Money Means More Than Public Safety... The Implications of “Cassidy’s Calamity Judgment”...

when "all claims against the engineer were dismissed"... making it such that even the negligence claim gets dismissed without even being heard.

25. Lives are left in emotional/psychological, physical and/or financial shambles because engineers - and others - are not held accountable for their wrongdoing and - as in our case - engineers that may have been proven negligent had the case been heard - are allowed to go on setting NATIONAL standards - as though nothing had ever happened to show "problems" only further adding to the stress of victims who have a freedom of conscience right... which... again... is silenced by the court's decision to focus solely on monetary issues as opposed to the negligence and public safety issues!

26. Explain this to the folks in Elliot Lake and to our taxpayers!!! **THIS JUDMENT MAKES THE ELLIOT LAKE INQUIRY A COMPLETE AND TOTAL PUBLIC SCAM BY THE GOVERNMENT AND ITS JUDICIAL SYSTEM!** The legal system, in our opinion, clearly is NOT interested in addressing the real public safety and negligence issues in such cases!!!

27. It is my FIRM belief and opinion that Deputy Judge Cassidy had NO IDEA as to the implications of "her judgment" and it is also my firm opinion that by thinking she did not need to "hear the case" and imposing upon me \$5,000.00 in legal fees payable TO THE DEFENDANTS because I dared bring this "to TRIAL" [in my opinion, to "kangaroo court"] that Deputy Judge Cassidy, in my opinion STOLE my \$5,000.00 because, clearly, she did NOT understand the issues of this case and there is NO WAY that ANYONE would have made "the judgment" she made in matters of liability, had the case been allowed to be heard! Deputy Judge Cassidy was informed that we had been unable to secure proper legal representation due to "the players" which included the Attorney General of Ontario and still, having been denied any proper legal representation by "the system", we were hit with this fine/court fee. **What we "experienced", in my opinion, was NOT A TRIAL - in my opinion, it was "A KANGAROO COURT" and, in my opinion, a MOCKERY of the justice system!!! It is my further opinion that Deputy Judge Cassidy only made the court a party to further victimizing an already very victimized family that had already lost over \$100,000.00 as a result of this building fiasco! Finally, it is my VERY strong opinion that Deputy Judge Cassidy needs to be REMOVED FROM THE BENCH - IN THE PUBLIC INTEREST... something in my opinion, she clearly cares nothing about since all she focused on were \$\$\$\$\$\$\$\$\$\$ in matters of public safety!!!**

All information is Submitted Without Prejudice and to expose issues of public safety that must be addressed. The Constitution guarantees Freedom of Conscience and my conscience cannot be clear until these issues are brought to light to help ensure public safety and the addressing of critical issues in what is in my opinion a very broken construction industry enforcement system as well as, in my opinion, a very broken justice system. This document reflects my opinions, formed as a result of the facts and/or events and/or responses and/or experiences I personally witnessed and/or was subjected to in these public safety issues and matters of conscience!!!